

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**

STUDENTS FOR FAIR ADMISSIONS,

*Plaintiff,*

v.

UNIVERSITY OF TEXAS AT AUSTIN;  
JAMES B. MILLIKEN, Chancellor of the  
University of Texas System in his Official  
Capacity; STEVEN LESLIE, Executive Vice  
Chancellor for Academic Affairs of the  
University of Texas System in his Official  
Capacity; DANIEL H. SHARPHORN, Vice  
Chancellor and General Counsel of the  
University of Texas System in his Official  
Capacity; JAY HARTZELL, Interim  
President of the University of Texas at Austin  
in his Official Capacity; BOARD OF  
REGENTS OF THE TEXAS STATE  
UNIVERSITY SYSTEM; DAVID J. BECK,  
CHRISTINA MELTON CRAIN, KEVIN P.  
ELTIFE, R. STEVEN HICKS, JODIE LEE  
JILES, JANIECE LONGORIA, NOLAN  
PEREZ, KELCY L. WARREN, AND JAMES  
C. “RAD” WEAVER, as Members of the  
Board of Regents in Their Official Capacities;  
DANIEL JAFFE, Interim Executive Vice  
President and Provost; RACHELLE  
HERNANDEZ, Senior Vice Provost for  
Enrollment Management and Student Success;  
and MIGUEL WASIELEWSKI, Executive  
Director for Office of Admissions,

*Defendants.*

Case No. 1:20-cv-00763-RP

**PROPOSED DEFENDANT-INTERVENORS’ MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24, eight University of Texas at Austin (“UT-Austin”) students (“Student Intervenors”) and three organizations with members who attend UT-Austin and/or with organizational interests in its race-conscious admissions policy (“Organizational Intervenors”) (collectively “Movants”) hereby move to intervene. Proposed Student Intervenors are Adaylin Alvarez, Morgan Bennett, Brianna Mallorie McBride, Liz Kufour, Desiree Ortega-Santiago, Nima Rahman, Alexandra Trujillo, and Rosaleen Xiong. Proposed Organizational Intervenors are the Texas National Association for the Advancement of Colored People, the Black Student Alliance, and the Texas Orange Jackets.

As detailed in the accompanying memorandum, Movants satisfy each of the requirements for intervention as of right under Fed. R. Civ. P. 24(a). Movants seek to participate in this case to present the most fulsome defense of, and to ensure that a full evidentiary record is created regarding, UT-Austin’s consideration of race and ethnicity as part of its holistic review of applicants’ files. They seek to ensure that any changes to the admissions process resulting from this litigation, through court order or settlement, comply with their rights under Title VI of the Civil Rights Act of 1964 and the Constitution.

A complete record requires adducing comprehensive evidence related to UT-Austin’s compelling interest in student body diversity. Such evidence includes, for example, evidence pertaining to the past and current state of racial and ethnic relations on campus; the lack of a critical mass of students of certain racial and ethnic backgrounds at UT Austin; and the history and ongoing effects of discrimination and segregation in Texas and at UT-Austin. Defendant UT-Austin does not adequately represent Movants’ interests in developing this evidence because it may avoid presenting evidence that reflects poorly on UT-Austin, exposes the shortcomings of the University’s efforts to promote diversity, or suggests liability for the University under Title

VI. This Motion is filed in a timely fashion, and there remains time for Movants to develop this critical factual record within the existing case schedule.

If the Court declines to grant Movants intervention as of right, Movants alternatively request that they be allowed to intervene permissively under Fed. R. Civ. P. 24(b). Attached to this Motion are (1) pursuant to Fed. R. Civ. P. 24(c), a Proposed Answer (attached as Exhibit A); (2) declarations from each proposed Student and Organizational Intervenor setting forth facts upon which this Motion is based (attached as Exhibits B-L); and (3) pursuant to Local Rule CV-7(g), a Proposed Order (attached as Exhibit M).

A memorandum in support of this Motion has been filed separately. WHEREFORE, Movants respectfully request that this Court grant this Motion to Intervene.

So dated this 16th day of December, 2020.

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*\*Pro hac vice* application pending

*Attorneys for proposed Student and  
Organizational Defendant-Intervenors*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record for Plaintiff via the Court's electronic filing and service system and also via email service as indicated below, on this the 16th day of December, 2020, as follows:

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/s/ Brian C. Pidcock

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